FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B01.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard tract boundary setback (open deck) of 20 ft. in lieu of the required 26.25 ft. and to amend the 1st Amended Final Development Plan of Britinay III to allow the projection of same outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of day, 1991 that the Petition for a Zoning Variance from Section 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard tract boundary setback (open deck) of 20 ft. in lieu of the required 26.25 ft. and to amend the 1st Amended Final Development Plan of Britinay III to allow the projection of same outside of the building envelope, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

-2-

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IN LIEU OF THE REQUIRED 26.25 FT AND TO AMEND THE IST AMENDED FINAL DEVELOPEMENT PLAN OF BRITINAY TIL TO ALLOW THE PROJECTION OF SAME

OUTSIDE OF THE BUILDING ENVELOPE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

(indicate hardship or practical difficulty)

OUR LOT 15 ODDLY SHAPED WITH LIMITED REAR LOT SPACE. STRICT COMPLIANCE WOULD

PREVENT CONSTRUCTION OF A DECK WHICH OTHER MEMBERS OF THE COMMUNITY WITH

NORMAL SHAPED LOTS COULD EASILY CONSTRUCT. ONLY THE NORTH-FAST CORNER (MPRON.

18 SQ FT) OF THE PROPOSED DECK (420 SQFT) IS NOT WITHIN CODE. MR CALVIN

18 SQ FT) OF THE PROPOSED DECK (420 SQFT) IS NOT WITHIN CODE. MR CALVIN

WATTS, WHO RESIDES IN THE ADTOMING LOT HAS ABSOLUTELY NO OBJECTIONS TO MY

PLANS, THE SPIRIT OF THE CRDINANCE IS OBSERVED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	penalties of perjury, that I/we are the legal owner(s) of the property which is the subject this Petition.	
Contract Purchaser:	Legal Owner(s):	
(Type or Print Name)	(Type of Peint Name)	
	Sinature	
Signature	TARY TERESA CASEY	
Address	Maria Veresa Saser	
City/State/21p Code	Signature	
Attorney for Petitioners	I BROOKINGS COURT 882-095	
(Type or Print Hame)	Address Phone BACTIMERE, MD 21234	
Signature	City/State/Zip Code	
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.	
Attorney's talephone number	Name	
	Address	
DRDERED by the Zoning Commissioner of Baltimore	County, this 16th day of AUG. 19 91, that the subject metter of	

DRDERED by the Zoning Commissioner of Baltimore County, this $\frac{16 + 6}{16}$ day of $\frac{446}{18}$, that the subject metter of this petition be posted on the property on or before the $\frac{157}{18}$ day of $\frac{567}{18}$, 19 91.

ZONING COMMISSIONER OF BALTIMORE COUNTY

I/We do solemnly declare and affirm, under the



ONLING CONTILSSIONER OF BALTIMUNE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1 B	ROOKING	45 CT	,
BALTIMORE	MD	21234	
(Address)			

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Our lot is addy shaped with limited tear lot space structured of a deck which other compliance would present construction of a deck which other members of the community with normal shaped lots could casily construct. Only the north-east corner approx. Is so.ft.) of the proposed dock (420 east) is not within code. O'Mr calvin wants, who resides in the adjoining lot has absolutely no objections to my plans. The spirit of the ordinance is observed.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

REVINI (Handwritten Signature)

KEVINI T CASEY

AFFIANT (Printed Name)

AFF ANT (Handwritten Signature)

MAKY TERES + CHSEY

AFFIANT (Printed Name)

. .

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Brings

I HEREBY CERTIFY, this <u>277H</u> day of <u>STIMBL</u>, 19<u>91</u>, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared KEVIN T AND MARY T CASLY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the bast of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

9-27-91

NOTARY PUBLIC

Ny Commission Expires: 4-5-95

ROBERT J. WILSON

NOTARY PUBLIC STATE OF MARYLAND

My Commission Engires April 5, 1925

PETITION OR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-69-A

I/We do solemnly declare and affirm, under the

20 ft. in lieu of the required 26.25 ft. and to amend the 1st Amended Final

Development Plan of Britinav III to allow the projection of **same** outside of the building envelope.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

Our lot is oddly shaped with limited rear lot space. Strict compliance

would prevent construction of a deck which other members of the community

with normal shaped lots could easily construct. Only the north-east corner (approx. 18 sqft) of the proposed deck (420 sqft) is not within code.

Mr. Calvin Watts, who resides in the ajoining lot has absolutely no objections

to my plans. The spirit of the ordinance is observed.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Address Phone County, this 16th day of Aug., 1991, that the subject matter of this
torney's telephone number	Name .
dress	purchaser or representative to be contacted.
	Name, address and phone number of legal owner, contract
Ignature	Baltimore, Md 21234 882-0959 City/State/Zip Code
Type or Print Name)	Address Phone
	1 Brookings Ct.
ttorney for Petitioner:	
Ity/State/Zip Code	Stanfture Della Chris
	(Type of Print Name)
ddress	Mary Teresa Casey
Ignature	Sphature
Type or Print Name)	(Type or Print Name)
Contract Purchaser:	Legal Owner(s): _Kevin_ICasev
landaria D. A.	owner(s) of the property which is the subject of this Petition.
	penalties of perjury, that I/we are the legal

ZONING COMMISSIONER OF BALTIMONE COUNTY

VIEWED BY:DATE:	ZONING COMMISSIONS RECEIVED FOR FILING
	Date
	Bv

ZONING DESCRIPTION

92-69. A

Beginning at a point on the north side of Brookings Court which is 60 feet wide at the distance of 236 feet north-west of the centerline of the nearest improved intersecting street, Brookings Court, which is 40 feet wide. Being Lot # 19, Block -, Section # - in the subdivision of Britiny III as recorded in Baltimore County Plat Book # 61, Folio # 11, containing 0.34 arces in lot.

Also known as 1 Brookings Court, Baltimore, Md 21234 and located in the # 11 the Election District.

CENTIFICATE OF POSTING

HING DEPARTMENT OF BALTIMORE COUNTY

Towns, Maryland

ZOMMIS DEPARTMENT OF BALTIMORS COUNTY Tourse, Maryland		
District / fcf	Date of Posting 3759/9/	
Posted for: Karin T. Cas	to the strains of the	
1 B roth in Oli		
on Indexty & Potition	tring CT, upones. 20" for treducy	
Remarks:	Date of return: 7/39/9/	
Spanis	-	

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 92-69-79

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1 Brookings Court

Baltimore, Maryland 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Our lot is oddly shaped with limited rear lot space. Strict compliance

would prevent construction of a deck which other members of the community

with normal shaped lots could easily construct. Only the north-east corner (approx. 18 sqft) of the proposed deck (420 sqft) is not within code.

Mr. Calvin Watts, who resides in the ajoining lot has absolutely no objections to my plans. The spirit of the ordinance is observed.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

Kevin T. Casey

Mary Teresa Casey

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

MILITARY SEALIFT COMMAND, WASHINGTON NAVY YARD

the Affiant(s) berein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

AFFIANT (Printed Name)

Olbert Lypland, LCDR, NOTARY PUBLIC

My Commission Expires:

AFFIANT (Printed Name)

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesophake Avenue
Towson, Maryland 21204

Date 8-16-91

Account: R.001-6150
Number

Account: R.001-6150
Number

Account: R.001-6150
Number

All Brookings Cf
21234

Administrative Zoning Variance

Administrative Zoning Variance

Please Make ChickOp #3005 161 Bid Rifficere County \$60.00
BA CO10:00AM08-15-91

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nty Office Building		•
West Chesapoake Avenuo son, Maryiand 21204		
oon, Marylana 21204	Co	•

LANCE MALE OF BUINERS CARLS

Account: R-001-6150 Number

Number

Please Make Checks Payable To: Baltimore County

RE: Case No. 92-69-A Petition for Residential Variance Property: 1 Brookings Court.

Dear Mr. and Mrs. Casey:

This office has received your Petition for Residential Variance for the above referenced property. Your Petition requests a variance from Section 1B02.C.4 and Section 301 of the Baltimore County Zoning Regulations to permit a rear yard tract boundary setback (open deck) of 20 ft. in lieu of the required 26.25 ft. and to amend the 1st Amended Final Development Plan of Britinay III to allow the projection of same outside of the building enve-

In order for your Petition to be considered, it must be in full compliance with the Baltimore County Zoning Regulations and the Zoning Policy. A review of your Petition discloses that it does not so comply as required. The specific failure of the Petition is identified as follows:

1. Affidavit of property owners/Petitioners improper. Property owners' signatures not notarized as required.

In order for your Petition to be evaluated, the above noted correction must be made. Please contact John Sullivan at 887-3391 to arrange for the correction of the Petition. Upon correction, your Petition will be resubmitted for consideration.

> Very truly yours, Lawrence E. Schmidt Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

Zoning Administration and Development Management

Pat Keller, Deputy Director

SUBJECT: HELBING Property, Item No. 53 Smith Property, Item No. 64 McClure Property, Item No. 65 Boehnlein Property, Item No. 66 Marx Property, Item No. 68 Buie Property, Item No. 69 Pulaski Property, Item No. 70 Bray Property, Item No. 74 Graves Property, Item No. 75 Sylvia Property, Item No. 76 Long Property, Item No. 78 Pearl Property, Item No. 79 Casey Property, Item No. 80 Edwards Property, Item No. 81 Tyson Property, Item No. 85 Skidmore Property, Item No. 88 Williams Property, Item No. 89 Restivo Property, Item No. 90 Didier Property, Item No. 97 Wesolowski Property, Item No. 102 Griffin Property, Item No. 103 Burgwin Property, Item No. 104 Ghent Property, Item No. 110 Lingg Property, Item No. 111 Bates Property, Item No. 112 Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

92-69-A 7-15-7

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Traffic Engineer II

RJF/lvd

October 8, 1991

887-3353

Mr. and Mrs. Kevin T. Casey 1 Brookings Court

Baltimore, Maryland 21234 RE: Petition for Residential Zoning Variance Case No. 92-69-A

Dear Mr. and Mrs. Casey:

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn cc: Peoples Counsel BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director DATE: September 13, 1991

Office of Planning and Zoning

Wollschlager Property, Item No. 72

Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

97621- 1

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 4, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 78, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comments.

For Item 69, if maintenance or repair is required on the existing 15-inch drain along the east property line, Baltimore County may require the removal of the car port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comments.

Developers Engineering Division

RWB:s

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887 3353

September 24, 1991

Mr. & Mrs. Kevin T. Casey l Brookings Court Baltimore, Maryland 21234

> RE: Variance Petition Forms Case #92-69-A (Item #80) 1 Brookings Court 11th Election District

Dear Mr. & Mrs. Casey:

111 West Chesapeake Avenue

Towson, MD 2120+

The new Zoning Commissioner, Lawrence E. Schmidt, has rejected your three variance/affidavit forms due to the lack of a notary expiration date, an unreadable seal and the way the notary completed the forms. Enclosed are three new petition forms which you may mail back to me. This petition will not have to be re-posted.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

Soh I fullinger.

JJS:jat cc: File

7. The Fire Prevention Bureau has no comments at this time. REVIEWER: A Drug Approved Fire Prevention Bureau Special Inspection Division

Item No.: 80 Zoning Agenda: AUGUST 27, 1991

Baltimore County Government

SEPTEMBER 16, 1991

(301) 887/4500

Fire Department

#1 BROOKINGS COUPT

Pursuant to your request, the referenced property has been surveyed by

this Pureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

JF/KEK

700 East Joppa Road, Suite 901

Zoning Administration and

Paltimore County Office Duilding

FF: Property Owner: FEVIN T. CASEY

Development Management

Towson, MD 2120 i 5500

Arnold Jablon

Towson, MD 21204

Location:

Director

Gentlemen:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

Yevin and Mary Casey

1 Brookings Court Raltimore, Maryland 21234 August 21, 1991

887-3353

Re: CASE NUMBER: 92-69-1 LOCATION: M/S Brookings Court, 236' NW of c/l Magledt Road 1 Brookings Court

refresher regarding the administrative process.

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a

1) Your property will be posted on or before September 1, 1991. The closing date is September 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are psyable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

"ery truly yours,

J. te**phens**

(* 1) 987-3391

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE September 30, 1991

12-64-A-015

ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #:80 SUBJECT:

PROPERTY OWNER: Kevin T. Casey, et ux

LOCATION: N/S Brookings Court, 236' NW of centerline Magledt Road 9#1 Brookings Court) ELECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(V) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

1742 72 MR. AND MRS. KEVIN T. CASEY 1 BROOKINGS COURT BALTIMORE, MARYLAND 21234 (301) 882-0959 BALTIMORE COUNTY GOVERNMENT OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT OFFICE OF PLANNING AND ZONING 111 WEST CHESAPEAKE AVENUE TOWSON, MD 21204 03 OCTOBER 1991 DEAR MR. SULLIVAN: IN RESPONSE TO YOUR LETTER CONCERNING VARIANCE PETITION FORMS CASE #92-69-A (ITEM #80) DATED 24 SEPTEMBER 91, THE THREE CORRECTED VARIANCE/AFFIDAVIT FORMS ARE ENCLOSED FOR RESUBMISSION. I REGRET ANY INCONVENIENCE THIS MAY HAVE CAUSED. SINCERELY, KEVIN T. CASEY





